S.B.CRIMINAL MISC. BAIL APPLICATION NO.5270/2007
(Ahatram Khan vs. State of Rajasthan)

DATE OF ORDER : October 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Rahul Bathi, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the first information report.

It is contended by learned counsel for the petitioner that the petitioner being the owner of the vehicle has been implicated in this case, otherwise, at the time of occurrence, he was not with the vehicle, which is evident from the FIR.

On perusal of the FIR, it appears that the petitioner was not with the vehicle at the time of occurrence. Be that as it may, without commenting on the merit of the case, which may prejudice the case of either party at the trial, having regard to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Ahatram Khan s/o Ikram Khan in FIR No.229/2007, Police Station, Chhoti Sadri, Distt. Chittorgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-